

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PROPOSED
ARM 32.2.401, 32.2.404, and)	AMENDMENT
32.2.405 pertaining to department)	
fees)	NO PUBLIC HEARING
)	CONTEMPLATED

To: All Concerned Persons

1. On March 30, 2015, the Department of Livestock proposes to amend the above-stated rules.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on March 18, 2015, to advise us of the nature of the accommodation that you need. Please contact Christian Mackay, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-1929; e-mail: cmackay@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

32.2.401 DEPARTMENT OF LIVESTOCK LICENSE ANIMAL HEALTH
DIVISION FEES (1) Animal Health: Certifications:

(a) Brucella ovis-free flocks certification - new	\$40.00
(b) Brucella ovis-free flocks certification - renewal	18.00

(2) Licenses:

(1)(c) through (1)(i) remain the same but are renumbered (2)(a) through (2)(g).

(2) Brand Enforcement:

(a) Hide dealer or buyer's license	5.00
(b) Livestock broker or dealer license	100.00
(c) Satellite video auction market operator	100.00

(3) Meat Inspection:

(a) Slaughterhouse, meat packing house, meat depot, or mobile slaughter facility license	25.00
--	-------

(4) Milk and Egg Inspection:

(a) Condensed, evaporated, or powdered milk plant license	5.00
(b) Cream station license	5.00
(c) Dairy license	5.00
(d) Dairy producing milk for manufacturing purposes license	5.00
(e) Egg dealer's retail buying license	5.00
(f) Egg dealer's wholesale license	20.00

(g) Egg grader's license	5.00
(h) Fluid milk plant license	50.00
(i) Grader-weigher-sampler license	5.00
(j) Hauler license	5.00
(k) Manufactured dairy products plant license	50.00
(l) Milk or cream route license	5.00
(m) Milk or cream tester's license	10.00
(n) Producer, producer-distributor, distributor, or jobber	10.00
(o) Tester license	10.00
(3) Permits:	
(a) Annual NPIP poultry permit	\$4.00
(b) Biologics, conditional - new	30.00
(c) Biologics, conditional - renewal	10.00
(d) Biologics, unconditional	10.00
(e) Bovine semen, annual - domestic	4.00
(f) Bovine semen, annual - international	42.00
(g) Cross border grazing - new	37.00
(h) Cross border grazing - renewal	14.00
(i) Equine permit, annual	5.00
(j) Equine semen, annual	7.00
(k) Six-month horse passport	5.00
(4) Forms and tags:	
(a) Alternative livestock tags - deer (small)	\$27.50
(b) Alternative livestock tags - elk (medium)	42.00
(c) SV-7 - large animal cvi book	24.00
(d) SV-7A - cvi convoy replica book	25.00
(e) SV-7B - cvi continuation pages	37.00
(f) SV-7GF - alternative livestock cvi book	35.00
(g) SV-7GFc - alternative livestock continuation	15.00
(h) SV-7HP - 6-month horse passport book	55.00
(i) SV-69A - trichomoniasis test report	37.00
(j) Trichomoniasis tags (5)	6.45
(k) Trichomoniasis tags (10)	12.90
(l) Trichomoniasis tags (25)	32.25

AUTH: 81-2-102, 81-22-102, 81-2-707, MCA

IMP: 81-1-102, 81-2-502, 81-2-704, 81-3-107, 81-3-205, 81-3-211, 81-5-112, 81-7-504, 81-8-164, 81-8-256, 81-8-271, 81-8-276, 81-8-304, 81-9-112, 81-9-201, 81-9-301, 81-9-411, 81-20-201, 81-21-102, 81-22-102, 81-22-204, 81-22-205, 81-22-208, 81-23-202, MCA

32.2.404 DEPARTMENT OF LIVESTOCK PERMIT BRANDS

ENFORCEMENT DIVISION FEES (1) Animal Health:

(a) Annual NPIP Poultry permit	\$4.00
(b) Biologics, conditional - new	30.00
(c) Biologics, conditional - renewal	10.00
(d) Biologics, unconditional	10.00

(e) Bovine semen, annual - domestic	4.00
(f) Bovine semen, annual - international	42.00
(g) Cross border grazing - new	37.00
(h) Cross border grazing - renewal	14.00
(i) Equine permit, annual	5.00
(j) Equine semen, annual	7.00
(k) Six-month horse passport	5.00
(2) Brand Enforcement:	
(a) Aerial hunting permit - annual	50.00
(b) Adjacent state transportation permit	10.00
(c) Adjoining county transportation permit	10.00
(d) Annual sheep permit for show purposes only within the state of Montana	1.00
(e) Domestic bison transportation permit	1.00
(f) Market consignment permit or transportation permit before removal from a county	1.00
(g) Permanent horse transportation permit	25.00 per head
(h) Sheep removal permit	1.00
(1) Brands and transfers:	
(a) Recording of a new brand or mark:	
(i) Livestock or ornamental	\$200.00
(ii) Seasonal brand for going to grass	200.00
(iii) Seasonal brand for going to feed lot, market, or location	50.00
(b) Transfer of a brand or mark, livestock or ornamental	200.00
(c) Rerecording a brand or mark, livestock or ornamental	100.00
(2) Inspections:	
(a) Game farm animal inspection	\$3.00 a head
(i) the inspector may also charge necessary actual expenses if required to wait for the animals to be presented for inspection.	
(b) Hide inspection	1.00 a head
(c) Horse, mule, or ass inspection:	
(i) before moving across a county line or before change of ownership	6.00 a head
(A) If more than ten animals of the same type are offered for inspection on the same day by the same owner, starting with the eleventh animal	3.00 a head
(ii) before sold or offered for sale at a licensed livestock market	6.00 a head
(d) Livestock inspection:	
(i) before moving across a county line or before change of ownership	1.00 a head
(ii) cow/calf pairs (spring going to pasture only)	1.00 a pair
(iii) before being sold or offered for sale at a licensed livestock market or slaughtered at a licensed slaughterhouse	1.00 a head
(3) Licenses:	
(a) Hide dealer or buyer's license	\$5.00
(b) Livestock agent, broker, or dealer license	250.00
(c) Livestock market operator license or certificate	300.00

(d) Satellite video auction market operator license	100.00
(4) Permits:	
(a) Adjacent state transportation permit	\$10.00
(b) Adjoining county transportation or grazing permit	10.00 per 100 head
(c) Aerial hunting permit - annual	50.00
(d) Annual sheep permit for show purposes only within the state of Montana	1.00
(e) Domestic bison transportation permit	1.00
(f) Lifetime or permanent horse inspection permit	30.00 per head
(i) Lifetime horse inspection book (issued to local inspectors)	250.00
(g) Market consignment permit or transportation permit before moving across a county line	1.00
(h) Sheep transportation permit	1.00
(i) Releasing livestock, except horses, mules, or asses for removal from a licensed livestock market	1.00 a head
(j) Releasing horses, mules, or asses for removal from a licensed livestock market	6.00 a head
(5) Miscellaneous fees:	
(a) Brand book - CD	\$15.00
(b) Brand book - data download	fee commensurate with cost
(c) Brand book - paper copy (per county)	30.00
(d) Certified copy of brand or mark record and duplicate certificate	10.00
(e) Copy of original livestock bill of sale	10.00
(f) Estray sale cost and disposition of animals if no bid is offered:	
(i) cost for estray sale	100.00
(ii) cost if owner claims before sale	50.00
(iii) the department may re-offer for sale or give the animal to an individual or rescue facility in the area, or if there are no other options, condemn and destroy or otherwise dispose of it.	
(g) Filing of a livestock lien or security interest	25.00
(h) Research/copy-scan fees may be charged for livestock inspection lookups in the country and/or markets based on MDOL Public Records Request.	

AUTH: 81-1-102, 81-22-102, MCA

IMP: 81-3-205, 81-3-211, 81-5-112, 81-7-504, 81-8-256, 81-8-271, 81-8-276, 81-8-304, 81-9-113, 81-9-122, 81-9-411, MCA

32.2.405 DEPARTMENT OF LIVESTOCK MISCELLANEOUS MEAT INSPECTION AND MILK AND EGG BUREAU FEES

(1) Animal Health:	
(a) Forms:	
(i) alternative livestock tags - deer (small)	\$27.50
(ii) alternative livestock tags - elk (medium)	42.00
(iii) SV-7 - large animal cvi book	24.00
(iv) SV-7A - cvi convoy replica book	25.00
(v) SV-7B - cvi continuation pages	37.00
(vi) SV-7GF - alternative livestock cvi book	35.00

(vii) SV-7GFC - alternative livestock continuation	15.00
(viii) SV-7HP - 6-month horse passport book	55.00
(ix) SV-69A - trichomoniasis test report	37.00
(x) trichomoniasis tags (5)	6.45
(xi) trichomoniasis tags (10)	12.90
(xii) trichomoniasis tags (25)	32.25
(2) Brand Enforcement:	
(a) Brand book - CD	15.00
(b) Brand book - data download	fee commensurate with cost
(c) Brand book - paper copy (per county)	30.00
(d) Certified copy of brand or mark record and duplicate certificate	10.00
(e) Copy of original livestock bill of sale	10.00
(f) Estray sale cost and disposition of animals if no bid is offered:	
(i) cost for estray sale	100.00
(ii) cost if owner claims before sale	50.00
(iii) the department may re-offer for sale or give the animal to an individual or rescue facility in the area, or if there are no other options, condemn and destroy or otherwise dispose of it.	
(g) Game farm animal inspection	3.00 a head
(i) inspector may also charge necessary actual expenses if required to wait for the animals to be presented for inspection.	
(h) Filing of livestock security interests	25.00
(i) Hide inspection	1.00 a head
(j) Horses, mules, or asses inspection before removal from a county or before change of ownership	6.00 a head
(k) If more than ten animals of the same type are offered for inspection on the same day by the same owner, starting with the eleventh animal	3.00 a head
(l) Horses, mules, or asses inspection before sold or offered for sale at a licensed livestock market	6.00 a head
(m) Livestock inspection before removal from a county or before change of ownership	1.00 a head
(i) cow/calf pairs-spring going to pasture only	1.00 a pair
(n) Livestock inspection before being sold or offered for sale at a licensed livestock market or slaughtered at a licensed slaughterhouse	1.00 a head
(o) Livestock market operator certificate as required	100.00
(p) Recording or transfer of a new mark or brand:	
(i) new mark or brand (livestock or ornamental)	200.00
(ii) transfer of new mark or brand (livestock or ornamental)	200.00
(iii) seasonal mark or brand for going to grass	200.00
(iv) seasonal mark or brand for going to feed lot, market, or location	50.00
(q) Rerecording a mark or brand (livestock or ornamental)	100.00
(r) Releasing an animal, except horses, mules, or asses, for purpose of removal from a licensed livestock market	1.00 a head
(s) Releasing horses, mules, or asses, for purpose of removal from a licensed livestock market	6.00 a head

(t) ~~Research/copy-scan fees may be charged for livestock inspection lookups in the country and/or markets based on MDOL Public Records Request.~~

(1) Meat inspection:

(a) Slaughterhouse, meat packing house, meat depot, or mobile slaughter facility license \$25.00

(2) Milk and egg inspection:

(a) Condensed, evaporated, or powdered milk plant license \$ 5.00

(b) Cream station license 5.00

(c) Dairy license 5.00

(d) Dairy producing milk for manufacturing purposes license 5.00

(e) Egg dealer's retail buying license 5.00

(f) Egg dealer's wholesale license 20.00

(g) Egg grader's license 5.00

(h) Fluid milk plant license 50.00

(i) Grader-weigher-sampler license 5.00

(j) Hauler license 5.00

(k) Manufactured dairy products plant license 50.00

(l) Milk or cream route license 5.00

(m) Milk or cream tester's license 10.00

(n) Producer, producer-distributor, distributor, or jobber 10.00

(o) Tester license 10.00

AUTH: 81-1-102, 81-9-201, 81-22-102, MCA

IMP: ~~81-3-107, 81-3-205, 81-3-211, 81-8-304, 81-9-112, 81-9-201, 81-9-411, 81-20-201, 81-21-102, 81-22-201, 81-22-204, 81-22-205, 81-22-208, 81-23-202,~~
MCA

REASON: The department proposes to amend the above-stated rules to reorganize the department's fees according to the departmental division and the type of fee similar, to the rule structure for the diagnostic laboratory fee, thereby standardizing and simplifying the department's fee system. The department proposes to locate Animal Health division fees in ARM 32.2.401, Brands Enforcement division fees are in ARM 32.2.404, and Meat Inspection and Milk and Egg bureau fees in ARM 32.2.405. The department proposes to amend the authorizing and implementing statutes to coincide with the proposed restructuring of the fees. The department proposes to amend the language of some rules to include the common name of the service provided.

The Brands Enforcement Division proposes to increase fees to assure fees are commensurate with costs of services as required by 81-1-102(2), MCA. The proposed \$150 fee increase on dealer and agent license fees would potentially affect 300 dealers and agents for a cumulative increase of approximately \$45,000. The market license fee increase would affect 13 markets for additional revenue of \$3,900. An increase in lifetime horse inspections, implementing a \$250 charge for lifetime inspections books provided to approximately 20 qualified deputy local inspectors and implementation a \$10 per hundred head of cattle grazing permit would potentially affect approximately 15,000 producers seeking livestock services on approximately 952,000 head of livestock for a cumulative fee of \$95,200. The

proposed increase will total approximately \$144,100 annually, based on these numbers. The dealer and agent fee has not been increased for over ten years; market license fees have not been raised since their inception and in the past the department supplied lifetime horse inspection books free of charge. The grazing permit fee is increased from the \$10 fee for any number of cattle to \$10 per hundred because many producers move large herds (up to 1,000 or more) under the current \$10 fee. Larger herds increase the time, work, and expenses for the department's livestock inspectors; therefore, the proposed incremental fee structure is consistent with 81-1-102(2), MCA.

4. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to Christian Mackay, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., March 26, 2015.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m., March 26, 2015.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 1500, based upon the estimate that 15,000 producers may request livestock inspection and services.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this department. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text

will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

DEPARTMENT OF LIVESTOCK

BY: /s/ Sherry Rust
Sherry Rust
Rule Reviewer

BY: /s/ Christian Mackay
Christian Mackay
Executive Officer
Board of Livestock
Department of Livestock

Certified to the Secretary of State February 17, 2015